Supreme Court, U.S.
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No. 98-1680

IN THE
Supreme Court of the United States

SAM SKURNICK,
Petitioner,

v.

MARTIN RAAKE,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

REPLY BRIEF FOR PETITIONER

SAM SKURNICK
Petitioner, filing pro se
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June 8, 1999

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The theme of Raake's argument in the district court, the court of appeals, and in this court is that the district court merely conformed with the mandate of the 11th Circuit Court of Appeals, and that for this reason Skurnick's appeal in the 11th Circuit Court of Appeals in Case No. 98-4685 had no merit and should be dismissed. The statement that the district court merely conformed to the mandate of the Court of Appeals is false.

On page 2, Raake quotes the arbitration award stating that he was awarded "the sum of Ten Thousand Dollars And No Cents ($10,000)". The district court awarded Raake $25,525.74 which not only included the

$10,000 awarded to Raake plus interest but the $3,000 awarded to the American Arbitration Association plus other items not involved in Raake's suit which was merely for the $10,000 awarded him by the arbitrators. Thus the award to Raake did not conform to the mandate of the 11th Circuit Court of Appeals.

On this basis alone, besides other reasons, which included a Supreme Court decision which affected my case, I had a legitimate reason for filing an appeal of the district court's judgment. I paid the required fee and filed a timely notice of appeal.

By dismissing my appeal before I presented my brief, the 11th Circuit Court of Appeals violated my constitutional right to use the court system to seek redress for a grievance.

The district court ordered contempt proceedings against me and referred the case to the same magistrate who recommended to him that he vacate the nothing award of the arbitrators to Lloyd Raake because it was arbitrary and capricious. He informed me that he would recommend severe sanctions against me if I did not pay Martin Raake within ten days, even though I was ready then and there to deposit the full amount of the judgment with the Court.

To eliminate the contempt proceedings against me I offered Raake $20,000, which Raake accepted. His attorney, Russell L. Forkey, informed me that this deal was conditioned on my rescinding my request for a writ. This I refused to do. The form which he submitted to me is on page 1a of this brief.

REASONS FOR GRANTING THE WRIT

Because I had evidence of severe perjury for profit, and a lawyer's inducing a client to commit 97 counts of perjury, I felt I had an opportunity to render a great public service on a problem confronting the nation, namely excessive litigation based upon fraudulent claims. At great personal and financial sacrifice I have pursued my aims over many years.

My objective solely is to render the public a service which I felt was sorely needed, and which I was in a position to accomplish. The best interests of the government requires that I be granted the writ.

Respectfully submitted,

SAM SKURNICK
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